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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/727,019	12/03/2003	Jon Davis Mollhagen		4461

7590 08/03/2006

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EXAMINER

MACNEILL, ELIZABETH

ART UNIT PAPER NUMBER

3767

DATE MAILED: 08/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/727,019

Applicant(s)

MOLLHAGEN, JON DAVIS

Examiner

Elizabeth R. MacNeill

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12/3/2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12/3/2003 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 10 recites the limitation "the injector means" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-14 are rejected under 35 U.S.C. 102(e) as being anticipated by HOGAN (US #6,558,352).

Regarding claim 1, Hogan teaches "A method for administering specific amounts of medicinal substances to animals, using an injection apparatus having steps comprising: a. placing an animal into an area where it can be immobilized for purposes of obtaining an accurate determination as to mass (#30); b. weighing the animal to determine mass (#47) and sending this data to a controller (#70); c. computing the correct dosage of medicinal substances relating directly to the actual weight of the

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animal within the controller (#80), and using this data to determine the metering requirements for the medicinal substances; d. activating a pump (#161) that will dispense a metered amount of medicinal substance as the determined dosage level to an injector means; e. inserting the injection means into the animal and injecting the medicinal substance into the animal (#50).

Regarding claim 2, the animal is selected prior to weighing and immobilizing the animal (Step #240).

Regarding claim 3, a separate metering means is used to restrict the amount of medicinal substance to the injector means (#166).

Regarding claim 4, the injector means can be actuated manually (Col 9 line 21).

Regarding claim 5, the injector means can be actuated mechanically (Col 10 line 18).

Regarding claim 6, the medicinal substance is stored in a reservoir, able to be activated by a pump (#161).

Regarding claim 7, the data for determining the proper dosage is preloaded into the controller (Step #236).

Regarding claim 8, Hogan teaches "A method for administering specific amounts of medicinal substances to animals, using a spray apparatus having steps comprising: a. placing an animal into an area where it can be immobilized for purposes of obtaining an accurate determination as to mass (#30); b. weighing the animal to determine mass (#47) and sending this data to a controller (#70); c. computing the correct dosage of medicinal substances relating directly to the actual weight of the animal within the controller (#80), and using this data to determine the metering requirements for the

medicinal substances; d. activating a pump (#161) that will dispense a metered amount of medicinal substance as the determined dosage level to a sprayer means; e. positioning the sprayer means so that the medicinal substance can be applied onto the animal (#170)

Regarding claim 9, the animal is selected prior to weighing and immobilizing the animal (Step #240).

Regarding claim 10, a separate metering means is used to restrict the amount of medicinal substance to the sprayer means (#170).

Regarding claim 4, the sprayer means can be actuated manually (Col 9 line 21).

Regarding claim 5, the sprayer means can be actuated mechanically (Col 10 line 18).

Regarding claim 6, the medicinal substance is stored in a reservoir, able to be activated by a pump (#161).

Regarding claim 7, the data for determining the proper dosage is preloaded into the controller (Step #236).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elizabeth R. MacNeill whose telephone number is (571)-272-9970. The examiner can normally be reached on 7:00-3:30pm M-F.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Sirmons can be reached on (571)272-4965. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ERM

KEVIN C. SIRMONS
SUPERVISORY PATENT EXAMINER

A handwritten signature in cursive script that reads "Kevin C. Sirmons".